IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20838 of 2006
Date of Decision: 8.1.2007

General Manager, Haryana Roadways, Ambala

Petitioner

versus

Suresh Kumar and another

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE BALDEV SINGH

Present: Shri Jitendra Chauhan, Addl.A.G.Haryana for the petitioners

Jasbir Singh, J. (Oral)

Respondent workman was appointed as a driver with the petitioner on 1.7.1995, on contractual basis. While on duty, bus being driven by him met with accident and two persons were killed. He was allowed to continue in service and ultimately, his service was terminated on 17.7.1998, after giving him only a show cause notice. No regular enquiry was conducted. The Court below has noticed a fact that before the Motor Accident Claims Tribunal, a specific stand was taken by the petitioner that the accident had occurred on account of mechanical failure in the vehicle. In the written statement, it was not stated that the respondent workman was at a fault and accident had occurred on account of his negligence. If that is so, subsequently on a different ground, he could not have been thrown out from service. Otherwise also, order passed is very innocuous. Respondent workman has been ordered to be reinstated without back wages and further liberty has been granted to the petitioner to conduct regular enquiry. In view of this no case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

January 08, 2007
gk

(Baldev Singh)
Judge